

**CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:00 p.m.

**“Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** Present: Ms. McBride, Mrs. Dziubek, Mr. Bischoff

Absent: Mr. Severino, Mr. Mazza

Others Present: J. Peter Jost, Esq., and Ella M. Ruta, Clerk, Bob Clerico, Engineer

**APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular and Executive Session Meeting Minutes of September 7, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Corrections to September 7th Regular Minutes on page 15 to read under Mr. Severino’s report last paragraph To read “Call from township resident re: feral cat. The Township is overloaded with feral cats. The resident was provided with phone numbers for organization that was able to take care of the problem.”

**VISITORS**

- a. City Connections LLC – Mr. Morris Enyeart of City Connections gave a Website Design Presentation.
- b. Trooper Flynn – Discussion re: Parking Enforcement Officer. Trooper Flynn has concerns about their safety when dealing with the truckers. The Attorney questioned if tickets would be filed electronically. To Ms. McBride’s inquiry, Trooper Flynn responded yes tickets were issued to truckers for overnight parking in the Spruce Run lots.

**REPORTS RECEIVED**

- a. Road Dept - Weeks Ending 9/02/11; 9/09/11
- b. Animal Control Officer – Aug/Sept 2011
- c. Engineer’s Report
- DOT application for 2012 Municipal Aid. Discussed the last segment of Perryville Road Section 2 A.

**CORRESPONDENCE/WRITTEN COMMUNICATIONS**

Mrs. Dziubek mentioned the following correspondence:

- HC Planning Board – Re: County Farmland Preservation Program.

Ms. McBride mentioned the following correspondence:

- NJ Department of Transportation – Re: Maintenance Roadway Repair Contract Central, Sub-Region C-1, Route 173. This is a notification to the Township about road repair in the Town of Clinton. The Mayor requested the Clerk to complete the utility company information included with the letter.

## **PUBLIC COMMENTS**

- William Myer, Perryville Road. Driveway washed away and believes it was caused by the grading done at Finn Road Park when a new ball field was installed..

## **PUBLIC HEARING**

## **OLD BUSINESS**

- a. **Discussion** – ACH/Credit Card Payment. Tabled.

## **NEW ORDINANCE – 1<sup>st</sup> Reading**

8:20 p.m. Engineer left

## **NEW BUSINESS**

- a. The following resolution was introduced for adoption:

### **TOWNSHIP OF UNION RESOLUTION #2011-117**

**RESOLUTION:** Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Perryville Road Section 2A Improvement Project.

WHEREAS, Perryville Road Section 2A is in need of Improvement

WHEREAS, Robert J. Clerico, P.E., Township of Union Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED by the Union Township Committee that the grant application for the above stated project is formally approved.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Union Township-00209 to the New Jersey Department of Transportation on behalf of Township of Union.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Union and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X

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Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

b. The following resolution was introduced for adoption:

**TOWNSHIP OF UNION  
RESOLUTION #2011-118**

RESOLUTION: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Frontage Road Section 1 Improvement Project.

WHEREAS, Frontage Road Section 1 is in need of Improvement

WHEREAS, Robert J. Clerico, P.E., Township of Union Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED by the Union Township Committee that the grant application for the above stated project is formally approved.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012 Union Township 00210 to the New Jersey Department of Transportation on behalf of Township of Union.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Union and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek		X	X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

c. The following resolution was introduced for adoption:

**RESOLUTION #2011-119  
UNION TOWNSHIP, HUNTERDON COUNTY  
RESOLUTION OPPOSING S-2950 AND A-4128,  
WHICH WOULD ALLOW FOR MODIFICATION TO LAND USE  
APPROVALS BECAUSE OF CHANGED ECONOMICS**

WHEREAS, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

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**WHEREAS**, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

**WHEREAS**, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

**WHEREAS**, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed “adaptive application” while other pending applications are accorded lower priority; and

**WHEREAS**, S-2950 and A-4128 put no standards in place for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

**WHEREAS**, the lack of standards would expose any approval or denial by the municipality to possible legal challenge;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Union that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

**BE IT FURTHER RESOLVED**, the Governing Body of the Township of Union strongly opposes S-2950 and A-4128; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator Michael F. Doherty, Assemblyman John DiMaio, Assemblyman Erik C. Peterson, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Steven Oroho, Assemblyman Albert Coutinho and the New Jersey State League of Municipalities.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

d. The following resolution was introduced for adoption:

**RESOLUTION 2011-  
UNION TOWNSHIP, HUNTERDON COUNTY  
Request for Municipal Consent – Treatment Works Approval Permit  
Block 22, Lot 34 Fallone Properties, LLC**

- Tabled

## REPORTS

### Attorney's Report

- I received a partial contract and a partial draft of a resolution from Green Acres. I will have the complete contract and resolution at the next meeting.
- All other items been covered.

## OUT OF AGENDA ORDER

### Committee Report

Mrs. Dziubek reported the following:

- She discussed with the Committee the website presentation. Motion to authorize the Mayor and Clerk to sign a contract with City Connections, LLC subject to Attorney approval and along the lines of his RFP without the extras, just the basics, subject to review by sub-committee consisting of Mrs. Dziubek and Ms. McBride to develop the pricing and the structure of the website design.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

Ms. McBride reported the following:

- She spoke with John Glynn on Sept. 12<sup>th</sup> regarding Hoffman. She contacted him because he was setting up a meeting with the Freeholders to view structures needing repair or demolition throughout Northern Hunterdon County and she wanted to know if they were going to view the Hoffman buildings. The answer was no. However, we did talk about the projects and he made the comment that since they were also planning to develop an RFP to demolish a building in the course of the next few months, we might want to consider going to bid together. She told him we would certainly entertain that motion and that we would send a copy of the complete spec package to the Freeholders for their review.
- The electrician has not been in to install the last two fixtures. Spoke with Donnelly Engery Company and they placed the work order to get the last two fixtures placed in the basement on September 1<sup>st</sup>. They were also surprised that the work has not been done. She would call him tomorrow to confirm that the work remained incomplete.
- Contacted Dr. Sousa of Princeton Hydro concerning storm water issues based upon the on site meeting on September 14<sup>th</sup> in the Sidney Brook watershed. She was accompanied on Sept. 14<sup>th</sup> by another Committee member, the Township Engineer and DR&F Foreman. The group looked at two different locations on Race St. to view storm water issues. Based on that meeting she called Dr. Sousa to ask him whether or not those areas might be improved through a 319 grant. He said that our watershed protection plan has not been

approved, that it's waiting for DEP signature he is hopeful it could be the end of October although it could take until the end of December to approve it. As soon as that approval is made we can start applying for new grants, when grant money is available. There remains a question as to whether 319 money available this year. Dr. Sousza thought Race St. project and drainage improvements to Perryville road in front of Municipal building would be suitable 319 grant projects.

## RETURN TO AGENDA

### Mayor's Report

- Quote “The inherent vice of Capitalism is the unequal sharing of blessings; the inherent virtue of Socialism is the equal sharing of miseries.” Winston Churchill
- The Committee never recognized the appointments of the Recycling Committee at the beginning of the year. The Recycling Coordinator is Mr. Peake who is also our liaison to SWAC; Mr. Craig Hermann is Foreman of the Department of Roads and Facilities; Mr. Matt Severino is Township Committee Liaison to the Recycling Committee.

Mr. LaTournas sent a nomination for Donald Church, a new member of the Environmental Commission, to take Michele McBride's place on that body. The Mayor appointed Mr. Church and the Clerk to notify Mr. LaTournas of that action taken tonight and to publish the members and functions of the Recycling Committee.

- 173 NJDEP property along 173. Any movement? Mrs. McBride will call.
- Shade Tree Federation Annual Meeting invitation.
- Post notice on website and Municipal building bulletin boards of the Governor's agricultural natural disaster designation for 20 New Jersey counties that includes Hunterdon.
- Talked to Mr. Michael Bernardi who is the local head of Premier Disposal and he says he is going to start up on Nov 1st one pickup a month single stream. He will advise me the dates that he is going to do it. Once I receive the dates it will be put on the website.
- Monthly Court Report
- New design of exit 15 of Route 78. It does not extend to Union Township because the Township has never sign off on it.

### Clerk's Report

- Raffle License #2011-22 St. Catherine of Sienna; on-premise 50/50 cash; Nov. 6, 2011.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino					X	
Mr. Mazza					X	
Mrs. Dziubek		X	X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

**PUBLIC COMMENTS****PAYMENTS OF BILLS**

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**EXECUTIVE SESSION** – Correcting Executive Session Minutes of September 7, 2011 and personnel issues.

The following resolution was introduced for adoption:

**RESOLUTION #2011-120**

**Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1.            *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on September 21, 2011, at 8:45 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

8:45 p.m. Motion to go in to Executive Session

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Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

8:50 p.m. Motion to come out of Executive Session

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek		X	X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

Motion to correct Executive Session Minutes of September 7, 2011.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza						X
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**ADJOURNMENT** - There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Ms. McBride seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

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Ella M. Ruta, RMC  
Township Clerk

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William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant